this equity was cut off. It would, however, attach whenever the bills should come again free and clear into Peed's hands. But when Peed, by fraudulent means, secured their return, the plaintiff had an equity which prevented the prior equity of the defendant from attaching. Had the transactions ended here, the plaintiff must have prevailed, on the theory of *Eyre* v. *Burmester*, 10 H. L. Cas. 90. The return of the notes to the defendant, however, vested the legal title in him, and cut off the plaintiff's equity. Both parties having been equally innocent throughout, their equities were equal, and in that case the holder of the legal title must prevail. *London Co.* v. *London Bank*, 21 Q. B. D. 535; *Colonial Bank* v. *Hepworth*, 36 Ch. D. 36. In deciding the case as it did, the court seems to have overlooked these fundamental principles.

LIABILITY FOR SLANDEROUS STATEMENTS INDUCED BY THE PLAINTIFF.— The law regarding liability for slander when the publication is caused by the plaintiff, is somewhat confused, both because decisions are scant, and because facts differing very slightly call for the application of three different principles, two, at least, of which are not clearly defined. When at the request of the plaintiff, who wishes to discover the author of slanderous stories concerning himself, the defendant reports statements he has heard, since his doing so is clearly to the plaintiff's interest, the occasion is privileged. For a privileged occasion exists whenever there is a legal, moral, or social duty, or whenever it is to the interest of any party concerned that a statement be made. Again, when one induces another to publish a slander, solely that an action may be brought, there is no liability. This principle, although it has not often been clearly stated, rests on the plaintiff's consent — *volenti non fit injuria*. See 10 HARVARD LAW REVIEW, 181. Still a third principle ought to have been applied in a recent case, *Shinglemeyer* v. *Wright*, 82 N. W. Rep. 887 (Mich.). The case is poorly reported, but the facts seem to show that the plaintiff, while alone with the defendant, was accused by him of theft. Saying she would make him prove his statements before a policeman, the plaintiff procured one, and had the statement repeated in the presence of this third party. The court held that no liability existed, as the doctrine *volenti non fit injuria* applied. But the facts show no consent. The defendant, indignant at the accusation, and apparently wishing to prevent its future repetition, thought to end the matter by making the defendant either undertake to prove his statements at his peril, or desist from them altogether. She gave an opportunity for open accusation or retraction, but no consent. Moreover, since it was neither to her nor to the defendant's interests that the accusation be made, the occasion was not privileged. Clearly it seems that under these circumstances liability should attach.

In an English case, where the defendant repeated certain slanderous remarks at the plaintiff's request, they were held actionable. *Griffiths* v. *Lewis*, 7 Q. B. 361. That the previous statements in the principal case were unpublished would not differentiate the two cases, as in neither would the plaintiff, by asking the defendant if he was ready, at his peril, to repeat his statements to a third party, necessarily consent to their repetition. Nevertheless, the principal case is in accord with the few American decisions in point. *Heller* v. *Howard*, 11 Ill. App. 554.